

1888-029 Chancery Causes: A. J. Litton vs. Ennis + Young &
Lee Co.

Hubbard, Allen

CA-Contract Dispute
T-Property

To the Hon. H. S. K. Morison
Judge of the Circuit Court of
Lee County Virginia

Your orator A. J. Litton
humbly complaining would
respectfully represent that
heretofore, one Henry Barker
purchased from David G.
Young a tract or parcel of
land situated on Dry Creek
in Lee County Virginia about
1 1/2 miles north from Sticklyville
adjoining the lands of your
orator Smith Stout and others
containing about 246 acres.
Barker went into the possession
of the same, and fully
paid for it. He afterwards
sold the lands to one Isaac H.
Hubbard, who fully paid
him therefor, and he assigned
said title bond to him, and
Hubbard went into the pos-
session thereof and remained
upon it for several years.
He then sold the same to your
orator and put him in the
possession thereof; and your orator
fully paid him therefor and an

assignment of the said Bond. And while the same was in his possession his house was robbed and this and many other valuable papers destroyed so that the same cannot now be produced. Proof of all which will be fully made. Some several years ago, the said David G. Young departed this life, never having conveyed these lands to any of the parties before mentioned, and the legal title passed in due course of descent to his children hereinafter named. The said David, at the time of his death left a widow, Marianne Young still living, and the following children his heirs at law, all of whom are infants viz: Emmet, Thomas, Martha, Edward and Rebecca, Young. These said vendees have kept the taxes fully paid upon said lands, and your orator is advised he is now entitled to

a conveyance of the legal title thereto.

He is also advised that the said Widow is not entitled to dower therein, because the said young did seized of ample lands to fully compensate her, situated in the County of Scott whereon she now resides, and he is informed she does not claim the same.

The ~~estate~~ of said young has been committed to who has ample means in his hands to pay the indebtedness of said estate including the Costs of this proceeding should your Orator be entitled thereto.

The object of this bill therefore is to have the legal title to said lands vested in your Orator by a conveyance of the same by a Commissioner acting on behalf of said infant.

The premises considered therefore he prays that Mariano Young, Edmund Young, Thomas Young, Martha Young, Edward Young and Rebecca Young and all

le 57 73 21 5 21
 5 50
 5. 2 5. 00 21. 00 "
 10. 00 "
 2. 22 "
 28. 23
 5. 00
 33. 23

LA 1513

A. J. Lutton

28. 23
 5. 00
 33. 23

Bill only

Ernest Gump

1888, Feb 11 Bill filed Spa
 executed on adu. debt
 + D. Christos to them
 " Mr. Chris G. A. A. filed
 D. Christos Confid House
 set for hearing
 1888 Apr 20 Dec returned
 " " " final

Administrator
 of the estate of David G. Gering
 Deceased be made parties de-
 fendant to this bill; that a
 guardian ad litem be appointed for
 said infants; and on a hearing
 a decree be rendered directing
 a conveyance of said legal
 title to your orator; and for all
 other further and general relief
 may supra issue &c.

A. L. Primmus p. g.

To the Honorable H. S. K. Morrison
Judge of the Circuit Court of Lee
County Va. -

The separate answers of Emmet,
Thomas, Martha, Edward and
Rebecca Young, infant children
of David G. Young dead, by, the
undersigned as Guardian ad litem
for said children, to a Bill in
Chancery filed in Your Honor's
Court by A. J. Littow against
these wards et al. -

For answer Your Respondent
says, he knows nothing of the
allegations stated in the Bill,
whether they be truth or false he is
not advised, nor does he know
of any defense proper to be made,
and being aware of the fact
that Courts of Equity are the
peculiar guardians of the rights
of infants, Your Respondent begs
leave to place the rights and
interest of these infants in Your
Honor's hands, knowing that
they will be there protected.

J. A. Hyatt
Guard. ad litem

A. J. Litton
vs 3 A. L.
3 Answer
Emmet Young et al

Filed March Rules 1888.
J. A. G. Hyatt & Co.

Fee \$5.00 to Hyatt

A. J. Little Plaintiff

vs

Ernest Young et al Defendant

} In Chan.

This cause came on
This day to be again heard up-
on the papers formerly read in
the cause, and the report of coun-
E. H. Pennington and deed therein
filed and was argued by coun-
sel; on consideration of all
which and for reasons appear-
ing to the court, it ordered, adjudg-
ed and decreed that said report be
confirmed, that said deed be
delivered to the said Little, and
that the said Little is decreed
to pay the said Pennington the sum
of five dollars for his services
as coun. in this cause. And
That the Admr. of the estate of
David Young pay the costs in
this cause if there be any funds
in his hands with which to
pay the same. And the cause
is ordered to be stricken from the
docket.

A. J. Little

vs } Desm. f. v. a.

Emmet Young, et al.

Entered, Chas
" CB, pages 130-4
Hyatt CB

Enter this
price 5/88
H. S. K. M.

A. J. Litter --- Off. } In Chy.
Against
Emmet Young et al, depts- J

This cause came on this day to be heard upon the bill of complaint of Thomas, Emmet, Martha, Edward and Rebecca Young the answer of the infant-defendants, J. R. & S. Wyatt by their guardian ad litem and the depositions of witnesses: On consideration of all of which, and it appearing to the court that process had been duly served for more than a month upon the adult defendants in this cause, and they failing to appear as to the said bill is taken for confessed, and it further appearing from proof of witnesses that the whole of the purchase money of the land in said bill mentioned has all been paid, it is therefore ordered, adjudged, and decreed that E. H. Huntington who is hereby appointed a special commissioner for the purpose do make to said plaintiff a deed for the land in the bill and proceedings mentioned with covenants of special warranty and report his action to a future day to this term of the court.

A. D. Lillian

v2 } stream no. 1

Mount-Young State
Feathered Cherry
"D.D." page 122.
Hyatt C. C.

Enter This
4 Aug of. "Spec", '88,
H. K. M.

1

The deposition of Joel A. Hubbard and others taken before me H. C. Foster a Justice of the Peace for Lee County Va. at A. P. Lutton's Store House. On the 16th day of March 1888. In which said depositions are included to be read as evidence in behalf of A. P. Lutton Plaintiff in a certain Suite now pending in the Circuit Court of Lee County, in which A. P. Lutton is Plaintiff and Gerritt Young and others are Defendants.

Joel A. Hubbard a witness of lawful age being first duly sworn deposes as follows.

In the year 1868 or possibly a year before that time Henry J. Barker purchased from David G. Young the piece of land mentioned in the bill, containing 246 acres, and in the year 1869, I purchased the same land from said H. J. Barker, and he transferred the title bond he had received from David G. Young to me, at the time I purchased the land from Barker there was due to Mr. Young from Barker the balance on one note of about Sixty dollars and another note the amount of which to the best of my recollection was \$147.⁵⁰ - both of which notes were paid by me or I caused them to be paid by me A. P. Lutton, who paid ^{part of} the said note of \$147.⁵⁰ which was the last money due to D. G. Young

on the said land, about the year 1878
 I ~~had~~ swapped the said land to A. J. Litton
 and in the trade he assumed the payment
 of the balance of the before mentioned note
 of \$147.⁵⁰ to me young and I transferred the
 title bond ~~from~~ D. Y. Young to A. J. Litton
 and he Litton very shortly afterwards took pos-
 session of the land and has had it in
 possession ever since.

And further this witness Little not.

Doel, A. Hubbard

Robert D. Young another witness of lawful
 age being duly sworn deposes and says
 about the 15th day of January 1878. that
 A. J. Litton paid ^{part of} the balance due on
 the \$147.⁵⁰ note, and on March 1st 1878.
 he paid the remainder due on the said
 note. This money was paid by A. J. Litton
 to my father Claiborn Young who was
 the assignee of Henry P. Barker for the
 benefit of David Y. Young, and this
 \$147.⁵⁰ note was the last payment on the
 240 acre tract of land sold by my
 brother David Y. Young to Henry P.
 Barker and by him to Hubbard and
 by him to A. J. Litton as far as I
 have been found out. I am a son
 of Claiborn Young and a brother
 of David Y. Young and I have
 handled my father's papers a great deal
 and have talked with my brother

David G. Young about this matter and
I always heard him claim that the note
for \$14⁵⁰ was the last money due
on the 246. acre tract of land.

And further this witness saith not.
R. D. Young

P. H. Allen another witness of lawful
age being duly sworn deposes as
follows,

In the year 1877, to the best of my
recollection, a title bond from David
G. Young to Henry J. Barker came into
my possession as the Adm^r of James S.
Loyd, having been placed in his hands
by Joel S. Hubbard, as security for
some debt due from said Hubbard
to J. S. Loyd and on the 7th day of
February 1878 I by direction of J. S.
Hubbard turned the said title bond
over to A. G. Litton, said Litton having
paid the amount due to J. S. Loyd by
J. S. Hubbard and for which debt the
said title bond was in pledge to J. S.
Loyd. My understanding from papers &c
of J. S. Loyd ~~is~~ is that the money due from
Hubbard to Loyd was a part of the purchase
money paid by Mr Loyd for J. S. Hubbard
on the 246. acre tract of land as shown
by the title bond.

And further this deponent saith not.
P. H. Allen

A. J. Litton another witness of lawful age being duly sworn deposes and says About the year 1878 I paid to P. B. Allen Solicitor of L. J. Lloyd the sum of \$65.⁶² a balance due to said Lloyd from J. A. Hubbard money that said Lloyd had paid for Hubbard on the 246 acre tract of land, and when I paid Allen this money he turned over to me - by direction of J. A. Hubbard a title bond from D. W. Young to Henry L. Barker. Said bond had been transferred from said Barker to J. A. Hubbard and was from Hubbard transferred to me. I kept this bond with other papers due, &c in my store, and on the night of the 10th day of May 1885. my store was broken into and robbed and this title bond with other papers was stolen, and I have never been able to recover said bond since that time. And further this deponent saith nat.
A. J. Litton

Virginia Lee County Court.
J. W. C. Joslyn a justice of the Peace for the said County, do hereby Certify that the foregoing depositions of Joel A. Hubbard, Robert D. Young, P. B. Allen and A. J. Litton were duly taken sworn to and subscribed before me at the time and place mentioned in in the Caption of the Same. Given under my hand this 16th day of March 1888.
Henry C. Joslyn J. P.

A. J. Litton
vs. In Chancery
Ernest Young et al

depositions of
J. A. Hubbard
R. S. Young
P. H. Allen &
A. J. Litton

Filed March 12 1885
John H. Nelson Clk

\$2.00

J. P. Lee P^y Litton

A. J. Letton

vs

Wm. Young et al

In Chancery

Wm. Young et al vs A. J. Letton

In as between ad litem for
Grant Myers, executor of the
Will of James H. Myers, deceased
Myers, executor of the Will of
the above styled James H. Myers
and myself and agree
that at the time of the sale of
the above styled James H. Myers
at Stockbridge 15 - on the 10th
1888, the following interrogatories
may be answered by the
executors to wit -

1. Was the land on the Bill mentioned
above fully paid for?

2. By whom was it paid?

3. Who is now entitled to receive
a deed in title to said land?
Answered on 11th March 1888

J. H. Letton

A. J. Little Plaintiff }
vs } In Chan-
Emmett Young et al } Defendant

To the Honorable W. S. Mc-
Mason Judge of the Circuit Court
of the County, Va.

Pursuant to a decree en-
tered in the chancery cause of
A. J. Little vs. Emmett Young
et al on the 4th day of April, 1888,
directing your undersigned counsel
to make and execute a deed to
the land in the bill & Proceedings
mentioned to the said Little,
begs leave to report that he
has made and executed said
deed which is here filed.

All of which is respectfully
submitted.

E. W. Huntington
Counsel.

A. J. Little

Course
vz. } Report.

Emmett Young Esq.

Filed April Term 1888.
J. S. Wyatt & Co

Mrs. Marian Young

TAKE NOTICE, That _____ on the 16th day of

March, 1888, at the Store Room of A. J. Little
in Lee County Va.

will proceed to take the deposition of

John A. Hubbard auditors
which, when taken, are intended to be read as evidence on my behalf in a certain suit in Chancery
now pending in the District Court of Lee County, State of Va, in which
I am plaintiff and
you and others are defendant.

And if from any cause the same be not commenced, or if commenced, be not concluded on that day, the
taking thereof will be adjourned from time to time, and from place to place, until completed.

_____, 1888,

Very Respectfully,

A. J. Little

I accept Legal Service of the within notice
to take depositions on the 16th day of month
at a J. L. L. Stonehouse in Lee County, Va.
month the 1, 1888 Meriam Young

The Commonwealth of Virginia.

To The Sheriff Of Lee County Greeting:

We Command You to Summon

*Mariam Young,
Emmit Young, Thomas Young,
Martha Young, Edward Young,
Rebecca Young, and
Administrator of the Estate of
David Young dec'd*

To appear at the Clerk's Office of the Circuit Court of Lee County, at the Courthouse on the first Monday
in *February* next, being rule day to answer a bill in Chancery exhibited in our said Court
against *them* by *A. J. Litton*

And have then and there this writ. Witness, J. A. G. Hyatt, Clerk of said Court at the Courthouse.

This *23rd* day of *January* 1888, in the 11th year of the Commonwealth.

J. A. G. Hyatt Clerk.

A Copy Teste

LP
A. J. Litton
vs Spain
Chiey
Enunit Young et al
Lo Heby Rules 1888

Executed by
delivering a copy of
the with summs to
mariam young
Feby 2nd 1888
J. R. Beverly Es for
J. J. Alley Es.